IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 25267 of 2004

Between:

P.Yellaiah, S/o Late Seethaiah, Conductor, E.No.78909
R/o 1-4-240/90, Balaji Nagar, K.K.Raod, Suryapet, Nalgonda District.

..... PETITIONER

AND

1 The Divisional Manager,(SRPT Division) APSRTC, Suryapet, Nalgonda District.
2 The Depot Manager, APSRTC., Bus Depot , Suryapet, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, or direction particularly one in the nature of Writ of Mandamus declaring the impugned Proc.No.02/95(78)/96-SRPT, dt. 28/02/1998 in withholding annual increment for a period of (2) years which shall have effect on further increments as confirmed by the1st respondent vide Proc.No.PA/19(97)/03-DVM. SRPT dt. 28/08/2003 as illegal, void in law and contrary to the Reg.12(2) of APSRTC. C.C. & A Reg.1967 and direct the respondents to restore the deferred increments along with all consequential benefits.

Counsel for the Petitioner:MR.V.NARASIMHA GOUD

Counsel for the Respondent Nos.1&2: MR.V.T.M.PRASAD, STANDING COUNSEL FOR APSRTC

The Court at the stage of admission, made the following :

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ORDER:

Heard both the counsel.

The petitioner questions the order dated 11.11.1998 imposing punishment of postponement of annual increment for a period of two years, which shall have the effect of postponing the future increments. The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry.

This Court in S.K.MASTAN V.MANAGING DIRECTOR, APSRTC held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment

without cumulative effect instead of initiating disciplinary proceedings once again, for which the respondents have no objection.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of two years which shall not have the effect of postponing the future increments. No costs.

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31.12.2004

bsv

To

1 The Divisional Manager,(SRPT Division) APSRTC, Suryapet, Nalgonda District.
2 The Depot Manager, APSRTC., Bus Depot , Suryapet, Nalgonda District.

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